

The Research *Review*

PUBLISHED BY THE RESEARCH DIVISION OF THE TENNESSEE HOUSE OF REPRESENTATIVES

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The Health and Human Resources Committee hears from representatives of the Tennessee Board of Nursing. Committees are busy as they attempt to schedule final meeting dates.

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The **House Agricultural Committee** held its final meeting (subject to the call of the chair) on Tuesday, April 4th. Fifteen (15) bills were on the calendar.

The committee sent **HB 3868**, **HB 2617** and **HB 3511** to **Finance, Ways and Means**.

- **HB 3868 (Armstrong)**, as amended, creates the “Tennessee Agricultural Ethanol Production Act of 2006.” The bill encourages the use of alternative fuels which use corn and other agricultural products. It puts in a three-year pilot program, to be implemented by the Department of Agriculture, and targets specific non-attainment areas within the Eastern Grand Division as designated by the U.S. Environmental Protection Agency. For eligible retail dealers, the program will provide a franchise tax credit of 2 ½ times the total number of gallons of ethanol sold during the tax year. Any credit greater than the tax liability will either be refunded or credited to the following year’s tax liability. The Department of Revenue shall promulgate rules and regulations; the act would take effect in January, 2007.

- **HB 2617 (West)** adds swine to the list of animals for which it is a Class E felony to own, train or use for fighting for the purpose of amusement, sport or gain.

- **HB 3511 (Tindell)**, as amended, creates a two-part statewide program in the Department of Agriculture to foster the spaying and neutering of dogs and cats. The first component is an education program utilizing the UT College of Veterinary Medicine, local health departments, animal control agencies, etc. The second component is a local spay/neuter assistance program with funds to reimburse eligible cities and counties. The spay/neuter fund would be a special non-reverting general fund reserve, funded by allocations from appropriations, and from specific fees, grants and contributions.

The committee sent **HB 2616**, **HB 3972**, **SJR 0525** and **SJR 0570** to **Calendar & Rules**.

- **HB 2616 (West)** makes the owner of an animal used in illegal fighting pay for the required care of the animal when it is taken to an animal shelter, or, if the animal remains on the premises, requires the owner to provide the necessary food, water, shelter and medical care needed for the animal. It authorizes any officer of an animal shelter that takes custody of an animal used in illegal fighting to petition with the court where charges are pending against the owner to secure payment for at least 30 days.

- **HB 3972 (Cobb)** takes artificial insemination of livestock out of the definition of “veterinary medical services” and makes it a “livestock management practice.” It then requires the Board of Veterinary Medical Examiners to refund monetary funds and civil penalties imposed and collected in FY 04-05 and FY 05-06 to those who performed artificial insemination without a veterinary license upon application of the persons so fined.

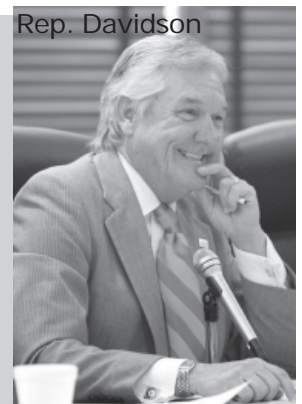
- **SJR 0525 (Ketron)** expresses support for the “25 by 25” initiative whereby agriculture will supply 25% of the total energy consumed in this country by the year 2025 while continuing to produce abundant, safe and affordable food and fiber.

- **SJR 0570 (Finney)** urges the federal government to enact legislation which requires the addition of a bittering agent (denatonium benzoate) to antifreeze containing more than 10% ethylene glycol.

In other action in the committee, Rep. Shaw took HB 3482 off notice; it increases the cigarette tax to 4.585 cents per cigarette. Rep. Litz took HB 3575 off notice; it allows a manufacturing distributor or wholesale dealer or jobber of tobacco products to deduct bad debts from the tobacco tax privilege. The committee sent HB 3297 (Niceley) to summer study. The bill prohibits the use of state money to help implement the federal government’s National Animal Identification System.

Failed in committee were HB 3617 by Niceley (exempting horses in the Eastern Grand Division from Equine Infectious Anemia testing), HB 3309 by Niceley (the “Arsenic Feeding Law”), and HB 3515 by Casada (authorizing the sale of unpasteurized milk and dairy products under certain circumstances). Following the action, Rep. Casada took HB 1623, also permitting the sale of unpasteurized dairy products, off notice. Rep. West’s HB 2893, increasing the criminal classification for cockfighting to a Class E felony, died for lack of a second.

The Agriculture Committee is now closed subject to the call of the chair. Members congratulated Rep. Davidson as this was the last scheduled committee meeting that he will chair.



The **Children & Family Affairs Committee** met this week and heard the following bills:

HB 2143 (S. Jones) clarifies that the Administrative Office of the Courts is responsible for providing guidelines and training for Guardians ad litem. The AOC will also be responsible for publishing a list of trained Guardians ad litem. This bill was passed to Finance Ways & Means.



Rep. S. Jones

HB 2529 (S. Jones) establishes a presumption of sole custody in favor of one parent if the other parent has been convicted of a sexual assault against any child under the age of 18. An amendment was passed that would prevent the parent from having unsupervised visitation with their child. This bill was passed to Calendar & Rules.

HB 3261 (J. DeBerry) requires the Department of Children Services to consult with the Departments of Education and Human Services to establish at least five publicly or privately funded teenage pregnancy programs. These model programs would need to focus on at least one issue concerning family life education, pregnancy prevention, pregnancy counseling, prenatal care, parenting education, job training and placement, and educational support for teenagers. This bill was passed to Finance Ways & Means.

HB 3323 (S. Jones) was deferred one week.

The **Domestic Relations Subcommittee** met on Tuesday, April 4th, and the following bill was passed to a summer study committee:

HB 2980 (R. Johnson)

The **Family Justice Subcommittee** met on Tuesday, April 4th, and heard the following bills:

HB 2530 (S. Jones) as amended creates a presumption that in cases where the court finds a preponderance of evidence that a parent has abandoned a child for a period of three years, giving sole custody to the parent that has not abandoned the child is in the best interest of the child. That is unless there is clear and convincing evidence to the contrary. Nothing

in this subdivision shall apply to children in custody of DCS. (This provision deleted the large fiscal note.) This went on to full committee.

HB 3143 (DuBois) as amended gives the juvenile court the ability to incorporate any part of the parenting plan process as the court deems necessary. This went on to full committee.

HB 2943 (Kelsey) will be taken up next week during the committee's adoption hearings.

HB 3044 (C. Johnson) was deferred 2 weeks

HB 3122 (Hood) was deferred 1 week.

Full Committee

The **Commerce Committee** met Tuesday to consider 8 bills.

Bills Moved to Calendar and Rules:

HB 3103 (Johnson, P.) – This bill, as rewritten by the Commerce Committee, gives the Contractors' Licensing Board the authority to oversee contractors' pre-licensing courses offered to the general public. A second amendment to the bill increases the penalties that the department is authorized to incur on violators of this part.

HB 3076 (Curtiss) – This bill enacts various revisions to clean up the language of the "Limited Licensed Plumbers' Act of 2004." It opens up the registration process to individuals who missed the original registration window, but still have the necessary qualifications under the provisions of the act; and, it defines plumbing work for the purposes of the section, so as to exclude plumbing work done in the outdoors. It clarifies the amount of prior experience necessary to become licensed. Also, it clarifies that mobile home manufacturers, dealers, and installers, are not necessary to register under the provisions of this act. The legislation also puts in an exemption for persons licensed locally to perform plumbing work. The Commerce Committee amended the bill to authorize oral examinations for persons seeking to become licensed under the provisions of this bill, but who may not be able to explain their craft in written tests.

Bills Moved to Finance, Ways, and Means:

HB 3635 (McDaniel) – This bill, which was amended by the Commerce Committee, prohibits the Tennessee Regulatory Authority from exercising jurisdiction over broadband services. Exceptions to this include intrastate services that were regulated before the effective date of this bill, the ability of the authority to arbitrate complaints of anti-competitive pricing, and the ability of the authority to set service rates and terms.

HB 3792 (Hood) – As amended this bill requires all city fire chiefs, within one year of their appointment, to undergo a sixteen hour course by the Tennessee Fire Service and Codes Enforcement Academy. The amendment to the bill clarifies and corrects the language within the bill.

HB 2563 (Pruitt) – This bill enacts a provision to execute and register deeds for all transfers of cemetery plots made by for-profit cemetery companies. Further,

it requires all cemeteries to plat and register maps of all sold cemetery plots by July 2007. It forbids a cemetery company from reselling a plot that has already been sold unless that plot has been sold back to the cemetery company or the cemetery company is reselling it for the consumer. All registration fees have to be paid for by the cemetery company upon registration. Non-profit, church, and family-owned cemeteries are exempt from the regulations of this bill.

Bills Rolled One Week:

HB 2919 (Todd)

HB 2559 (Jones, S.)

HB 3731 (Sargent)

Bills Rolled Two Weeks:

HB 956 (Hargett)

Small Business

The **Small Business Subcommittee** met Tuesday to consider the 6 bills on its calendar.

Bills Moved to Full Committee:

HB 3077 (Curtiss) – This bill authorizes the Elevator Safety Board to accept for use in the state new technology if it has already been accepted for use by the American Society of Mechanical Engineers.

Bills Rolled One Week:

HB 3333 (McCord)

HB 3951 (Briley)

HB 4027 (McMillan, Hackworth)

Bills Rolled Two Weeks:

HB 2775 (Johnson, P.)

Bills Taken Off Notice:

HB 3675 (Odom)

Industrial Impact

The **Industrial Impact Subcommittee** met Tuesday, although it had no bills on its calendar. In the place of Commissioner of Commerce & Insurance Flowers presenting health insurance options for the uninsured, the Commissioner of Finance & Administration, Dave Goetz, presented information on the administration's upcoming plan to cover the uninsured through several plans. Although details are still being worked out at this time, the commissioner was able to give an outline of the basics of who will be eligible for the differing plans, and to answer subcommittee members' questions about these plans and how they will affect their



Rep. McKee

Commerce

constituencies.

Utilities and Banking

The **Utilities and Banking Subcommittee** met and had 8 bills on its calendar.

Bills Moved to Full Committee:

HB 2928 (Matheny) – As amended by Utilities & Banking, this bill requires all municipal codes inspectors to undergo training and become certified with the state Fire Marshal's Office by July 2008. If inspectors are already certified by some other applicable certification bodies, the act recognizes these.

HB 4005 (McMillan, Hood) – This bill makes information that is confidential under the federal Bank Secrecy Act accessible to certain state and federal law enforcement agencies for the purposes of investigation.

HB 3486 (Lynn) – This bill, as rewritten by the Utilities & Banking Subcommittee, requires local telephone companies to give notice to consumers regarding number portability at the time the consumer signs up for new service. Further, it decreases the amount of time that a consumer must wait for addition to the list when signing up for the state's "Do Not Call" list; the change in the wait is from sixty days to thirty days.

Bills Rolled One Week:

HB 2865 (DuBois)

HB 2866 (DuBois)

HB 3761 (McCord)

HB 3270 (Fitzhugh)

Bills Taken Off Notice:

HB 3924 (Fitzhugh)

Rep. Lynn



The full **Conservation and Environment Committee** convened April 5, 2006 to hear four bills. **HB2613** (Tidwell) was rolled one week. **HB3438** (Lynn), as amended, passed and was referred to Calendar and Rules. As amended, the bill requires all municipal or county zoning requirements established for a parcel of land to apply to advanced treatment systems. The bill also requires provisions in a deed's restrictive covenant to apply to advanced treatment systems, but TDEC is not obligated to enforce or investigate such restrictive covenants in permitting these systems. **SJR70** (Tidwell), which creates a special joint committee to study declining duck population in Tennessee while recommending ways and means to rectify such problem, passed and was referred to Finance, Ways and Means after it was amended to correct the effective date of the resolution. **HB3995** (McDonald) also passed and was referred to Finance, Ways and Means. The bill authorizes TDEC to award more than one recreation initiative grant per grand division in any year there are no applicants from another grand division. It also authorizes use of grants to hire additional personnel and increases the community match to \$50,000 during the first two years in grant program.

Environment Subcommittee

The **Environment Subcommittee** met on Wednesday, March 29, 2006 to hear eleven bills. **HB2553** (Shaw), **HB3305** (Shaw), **HB3649** (Hawk), **HB3955** (Briley) and **HB2116** (R. Johnson) were taken off notice.

The following bills were passed and referred to full Conservation and Environment Committee:

HB3992 (Tidwell) - Authorizes the commissioner of environment and conservation to issue stop work order for coal surface mining operations in certain circumstances.

HB3208 (Tidwell) - When disaster assistance funds are made available to county or metropolitan highway or public works departments for the purposes of rebuilding infrastructure after a disaster, local governmental entities shall obtain all required permits from TDEC with all applicable fees for such permits being waived.

HB2906 (Harrison) - Excludes from the definition of "water" in the Water Quality Control Act narrow run-off ditches which are dry a majority of the year and which contain water only following heavy rains due to being

fed by small wet springs or other run-off following such rains.

HB3329 (McCord) - Allows a water and wastewater treatment authority that is created by a county legislative body to enact regulation for the installation and operation of advanced treatment systems and the structures they serve, provided certain conditions are met.

HR32 (R. Johnson) - Urges Tennessee Valley Authority to refrain from the sale, trade, or transfer of land designated for public use.

HB1994 (R. Johnson) - Increases the number of members on air pollution control board, solid waste disposal control board, petroleum underground storage tank board, and water quality control board by one. The new member on each board is to be a person recommended by Tennessee conservation voters and appointed by the governor.

Environment Subcommittee closed subject to the call of the chair.

Parks and Tourism Subcommittee

The **Parks and Tourism Subcommittee** met Tuesday, April 4, 2006 to hear **HB3993** (Odom), which was referred to full committee. The bill specifies that moneys in the local parks land acquisition fund may be used only for grants to local governments to purchase land for parks, natural areas, greenways, and recreation facilities, and for trail development and capital projects in such areas. The bill also limits the amount that may be used for administrative expenses to 3.5 percent.

Parks and Tourism Subcommittee closed subject to the call of the chair.

Wildlife Subcommittee

The **Wildlife Subcommittee** met Tuesday, April 4, 2006 to hear **SJR44** (McCord), a constitutional amendment regarding the citizens' right to hunt, fish and harvest game. The resolution was amended last week to strip Senate amendments seven and nine to put the resolution in the form as it was introduced. This week the resolution, as amended, was passed and referred to full Conservation Committee this week.

Wildlife Subcommittee closed subject to the call of the chair.

Rep. Harrison



THE FULL COMMITTEE met Tuesday, April 4, 2006, with a calendar of seven (7) bills.

HB 2603 (Johnson R) makes it a deceptive act to market a residence for sale while indicating that the residence has more bedrooms than are actually permitted by the certificate of occupancy issued with respect to the sewage system of the residence. However, if, prior to the execution of any sales agreement, the permitted number of bedrooms is disclosed to the buyer in writing, then an offense would not be committed. **This bill was sent to Calendar and Rules.**

HB 2626 (Hargett) would make it an unfair or deceptive practice to require a consumer to pay a restocking fee when returning defective goods. Rep. Hargett presented an amendment that defines exactly what a defective good is. This bill does not restrict a company from charging a re-stocking fee when a consumer returns a purchase that works as it was intended to work. Rep. Hargett presented an amendment that added the definition of “defective” to the bill. **HB 2626 as amended passed to Calendar and Rules.**

HB 2815 (Moore) makes it illegal to *knowingly* employ an illegal alien. Additionally the bill makes it illegal to encourage or induce an illegal alien to come to Tennessee for the purpose of employing him or her. **This bill passed to Calendar and Rules.**

HB 2883 (Turner M) authorizes unemployment benefits to be paid to an individual who leaves work due to circumstances resulting from being a victim of domestic violence and/or stalking. An amendment following the bill accomplishes two things. First the amendment moves one paragraph to the appropriate section of the code and, second, it addresses disclosure of information as provided by the victim.

Rep. Bunch requested Deputy Attorney General Kevin Steiling and Assistant Attorney General Bill Merritt from the Tennessee Attorneys General office to attend the committee meeting and answer questions on the bill. Deputy A.G. Steiling addressed the types of questions an employer may ask a prospective employee during the interview process with respect to the employee’s likelihood of collecting unemployment as a result of domestic violence and/or stalking.

Deputy A.G. Steiling acknowledged the conflict when asking a prospective employee interview questions around domestic violence. Although someone may have been a victim of a physically violent domestic relationship, it could be a violation of the Americans with Disabilities Act (ADA) to inquire how many times a person has been to the emergency room. With respect to the ADA, Deputy A.G. Steiling said, “Before an offer has been made, any questions designed to screen out health and disability issues are strictly prohibited by the ADA.” **This bill was rolled to the April 11, 2006 calendar.**

In addition to HB 2883, three other bills were rolled one week.

HB 2621 (McMillan) enacts “Pay Equity in the Workplace Act of 2006.” This bill revises various present law provisions regarding wage discrimination.

HB 2578 (West) requires drug-free workplace credits be based on employer’s annual premiums; requires credits to be given equally over premium payment schedule.

HB 3471 (Curtiss) creates additional requirements for sponsoring trade associations pooling their workers’ compensation liabilities such as pool participants must remain members of the sponsoring association.

CONSUMER AFFAIRS SUBCOMMITTEE

The Consumer Affairs Subcommittee met Tuesday, April 4, 2006 to hear sixteen (16) bills. Four (4) bills were either taken off notice or withdrawn. Seven (7) bills were rolled one week to the April 11, 2006 calendar.

HB 2355 (McMillan) sets a 10-day time limit to respond to a division of consumer affairs request for a statement regarding alleged violation of the Consumer Protection Act, and it clarifies and broadens types of activity that constitute violations of the Act. An amendment that passed added “offering a comfort exchange policy” to a mattress buyer to the list of violations of the Consumer Protection Act. **The bill passed to the full committee as amended.**

Consumer & Employee Affairs

HB 3355 (Hackworth) requires motor vehicle sales license holders to post notice stating that the division of consumer affairs provides information to consumers about the lemon law and that it contain contact information for the division; failure to post is grounds for license denial, revocation, or suspension. An amendment was offered and passed that rewrites the bill. The amendment directs the commission to promulgate a rule to provide that consumer information regarding Title 55, Chapter 24 be made available to their customers. **The bill passed to the full committee as amended.**

HB 3493 (Moore) prohibits sale and importation of secondhand mattresses to state by manufacturers, wholesalers and retailers. An amendment was offered and passed that rewrites the bill. It defines “mattress” and “comfort exchange policy” and makes it unlawful to offer a comfort exchange policy. **The bill passed to the full committee as amended.**

HB 3567 (Jones U) makes it an unfair or deceptive act under the Consumer Protection Act for any person to sell or offer to sell a passenger motor vehicle in this state that has been damaged in a flood. **The bill passed to the full committee.**

The following bills were rolled:

HB 1775 (Rowland) exempts historic power boilers from regular inspections and standards of board of boiler rules, requires inspection and report by chief inspector or the chief inspector’s authorized representative prior to operation at an exhibition, and imposes liability for injuries on management of exhibition. **This bill was rolled to April 11, 2006.**

HB 2540 (Jones S) authorizes the motor vehicle commission to suspend or revoke the license of any used car dealer who locates within a mile of another used car dealer after July 1, 2006; makes this provision applicable if used car dealer leases or transfers ownership of business. **This bill was rolled to April 11, 2006.**

HB 2571 (West) allows consumers to place a security freeze on their consumer credit reports. **This bill was rolled to April 11, 2006.**

HB 2979 (Johnson R) makes offering a check containing an obligation to advertise with a person upon the endorsement of the check a violation of the

Consumer Protection Act. **This bill was rolled to April 11, 2006.**

HB 3051 (Todd) allows consumers to place a security freeze on their consumer credit reports. **This bill was rolled to April 11, 2006.**

HB 3352 (West) prohibits a consumer reporting agency from releasing a consumer’s credit report or information derived from the report when the consumer places a security freeze on the consumer’s credit report. **This bill was rolled to April 11, 2006.**

HB 3902 (Fitzhugh) makes it an unfair and deceptive act in violation of the Consumer Protection Act to knowingly solicit by means of advertisements a product to a person legally unable to purchase it. **This bill was rolled to April 11, 2006.**

HB 1012 (Sontany) was withdrawn.

HBs 1245 (Godsey), 3280 (Sargent) and 3577 (Litz) were taken off notice.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee passed to full committee seven of the 18 bills on their calendar when they met April 5, 2006. Three bills were taken off notice; seven bills were rolled one week and one bill remains in committee after a roll-call vote resulted in a tie.

HB 2886 (Turner M) provides for workers’ compensation coverage for workers with an occupational disease involving a disease or condition covered by the federal Energy Employees Occupational Illness Compensation Program Act that has developed to such an extent that it can be diagnosed as an occupational disease (for example, beryllium disease, cancer, or silicosis).

All the presumptions, criteria, and standards related to the federal Act would be used for determining eligibility under the state workers’ compensation provisions. If an employee or the employee’s dependents would be entitled to benefits under the federal Act, then, by reason of that determination, the employee or the employee’s dependents would be considered disabled from an occupational disease under state law. It would be conclusively presumed that the injury or condition for which compensation is sought is casually related to the employee’s occupation if the employee

Consumer & Employee Affairs

or employee's dependents receive a positive determination pursuant to the federal Act, and the employer would not be entitled to raise or rely upon the statutory defenses of notice, causation, or the statute of limitations.

An amendment that would correct a typographical mistake inserting "injury" for the word "illness" was adopted. **The bill passed to the full committee as amended.**

HB 3351 (West) Present law authorizes the commissioner of labor and workforce development and the commissioner of commerce and insurance to promulgate rules under the Workers' Compensation Law. This bill requires that those rules include a civil penalty against a workers' compensation provider who has, after proper notification and appropriate time to respond, refused to make repayment to a payor for a payment that exceeds the medical fee schedule after exhausting all appeals. A provider would not be assessed a civil penalty solely for receiving payment from a payor that exceeds the medical fee schedule. **The bill passed to the full committee as amended.**

HB 3671 (Curtiss) revises the time period for the Department of Labor and Workforce Development to refund a benefit payment from the Second Injury Fund to the payor of workers' compensation benefits when a court finds that the payment ordered by the Workers' Compensation Specialist was noncompensable. **The bill passed to the full committee.**

HB 3846 (West) Authorizes parties in a workers' compensation claim to file a civil action in the county where the employer is located or in the county where incident occurred if the employer is a county or a municipal corporation. **The bill passed to the full committee.**

HB 4002 (McMillan) establishes a new premium rate table to the premium rate chart for nongovernmental entities. **The bill passed to the full committee.**

HB 4033 (McMillan) which extends the expiration date of the Tennessee job skills fee from December 31, 2006, to December 31, 2010 **passed to the full committee.**

SJR 0072 (Kurita) creates a special joint committee to study the possible social and economic costs of

employee misclassification in the construction industry in Tennessee and requires the Committee to report its findings and recommendations to the General Assembly no later than February 1, 2006. The Senate adopted this on May 28, 2005. **The bill passed to the full committee.**

Rep. Rowland



HB 3593 (Rowland) requires an employer contracting with an independent contractor to verify an independent contractor's taxpayer identification number with the Social Security Administration. An amendment was passed that rewrote the bill to say upon hiring an individual who received a form 1099, the employer shall verify that employee's social security number with the Social Security Administration. After much discussion the bill stayed in committee with a vote of 3-3-1.

The following seven bills were **rolled to the April 12, 2006 calendar:**

HB 0575 (Towns) provides that unemployment compensation benefits shall not be reduced or denied when an eligible claimant enrolls in any institution of higher education. **Rolled to April 12, 2006.**

HB 1599 (Fitzhugh) Requires an employer receiving a job skills grant to file a final report with the Department of Economic and Community Development at the end of the job skills grant period. **Rolled to April 12, 2006.**

HB 3447 (Turner M) provides that unemployment compensation benefits shall not be reduced or denied when an eligible claimant enrolls in any institution of higher education. **Rolled to April 12, 2006.**

HB 3670 (Curtiss) authorizes a party against whom the Department of Labor & Workforce Development Specialist has issued an order the right to submit a "Request for Reconsideration" and makes changes to present law concerning penalties for failure to comply with an order issued by a specialist.

An amendment passed that made several changes to the bill. The sponsor agreed to a request to **roll the bill to April 12** allowing members time to study those changes.

Consumer & Employee Affairs

HB 4003 (McMillan) requires that under the “Tennessee Employee Leasing Act” employee leasing companies transfer unemployment benefit and premium experience where there is common ownership, management, or control between a predecessor and successor. **Rolled to April 12, 2006.**

HB 4004 (McMillan) requires an insurer, employer, or self-insured pool to file a wage statement detailing an employee’s wages for the previous 52 weeks within 15 days of an employee’s injury and revises other workers’ compensation provision. **Rolled to April 12, 2006.**

HB 3892 (Hargrove) Removes the requirement that the annual report on workers’ compensation prepared by the Advisory Council on Workers’ Compensation include a summary and explanation of the impact of significant court decisions relating to workers’ compensation; removes the requirement for the Council to develop evaluations, statistical reports, and other information for the legislature to evaluate the impact of legislative changes to workers’ compensation laws; and adds a requirement that the Council issue a separate annual report with a summary and explanation of the impact on existing policy of significant Supreme Court decisions relating to workers’ compensation. **Rolled to April 12, 2006.**

HB’s 2966 (Marerro), 3082 (Curtiss), and 3318 (Turner M) were taken off notice.

The House Education Committee met on Wednesday. The Tennessee Arts Commission made a brief presentation at the beginning of the meeting. Calendar action follows.

Referred to Calendar & Rules:

HB 3952 - (Briley) states that payment of membership dues to a not-for-profit buying cooperative, does not prevent an institution of higher education from purchasing through a group purchasing program.

HB 3099 - (Winningham) requires the department of education to develop a plan for health insurance cost disparities for system employees. The plan is to be submitted to the education and finance, ways and means committees of both houses.

HB 3791 - (Winningham) requires educational and athletic associations whose administrative employees participate in TCRS to notify the board of trustees of reemployment of a retired member and to report annually retired members performing any functions for the association.

HB 2823 - (Winningham) allows the commissioner of the department of education to grant a waiver as to maximum class size in the event of a natural disaster.

HB 3198 - (Vaughn) provides an LEA an additional way of purchasing by using local government procurement procedures that provide for advertisement and competitive bidding.

HB 3097 - (Winningham) requires that payment, for students attending non-public schools, can now be paid directly to the school.

HB 3262 - (Fitzhugh) requires state institutions of higher learning to give preference for admission to Tennessee students over equally qualified out-of-state applicants.

Referred to Calendar & Rules, if amended:

HB 3025 - (Maddox) all educational assistants hired on or before July 1, 2006, must have, at least, a high school diploma or a GED equivalent and have proficiency in reading and writing. An educational assistant may assume responsibility of a classroom for a teacher to whom the assistant is assigned, but not for more than three consecutive school days. The provisions of this bill shall not apply to educational assistants hired on or before July 1, 2003.

HB 3055 - (McCormick) rewrites the bill to require any student participating in interscholastic sport to sign a pledge not to use anabolic steroids without a

prescription. Refusing to sign makes a student ineligible to participate for that year. If found using anabolic steroids, a student is ineligible for one year of sports. A parent or guardian of the student must also sign the pledge.

HB 2863 - (Winningham) as amended, deletes Section 49-5-507 in its entirety which allowed for a teacher's tenure status to terminate on July 1 following that teacher's 65th birthday.

HB 3521 - (Maddox) requires that a student seeking Tennessee student assistance awards have completed high school or have a GED. Also requires THEC to conduct a study and report to the General Assembly by February 1, 2007, on the appropriateness or need of requiring for-profit institutions to be accredited by a regional or national agency.

Referred to Finance, Ways & Means:

HB 3027 - (Maddox) increases to 50 percent the amount the state pays for LEA employees who participate in the basic group insurance plan.

HJR 857 - (Winningham) urges Gov. Bredesen to assist LEAs in transportation costs.

HB 2812 - (Winningham) changes the distribution of unclaimed prize money from 50 percent to future prize pool and 50 percent to after school programs to 100 percent to after school programs.

HB 3096 - (Winningham) makes changes to the "Postsecondary Education Authorization Act of 1974". The bill allows for equity between renewal fees paid by Tennessee institutions and those out-of-state that recruit Tennessee students. It further allows for revising the fee assessment process for the Tuition Guaranty Fund which protects students when an institution closes.

Deferred 1 week:

HB 2973 - (Cooper)

HB 3750 - (Fitzhugh)

HB 2439 - (Turner, M.)

HB 3172 - (Winningham)

HB 3373 - (Winningham)

HB 2934 - (McMillan)

HB 3417 - (McMillan)

HB 1408 - (Baird)

Taken off Notice:

HB 3170 - (Winningham)

Higher Education Subcommittee

The Higher Education Subcommittee met on Wednesday and considered its calendar. The

Education

Subcommittee's action follows.

Referred to Full Committee:

HB 1284 – (Shaw) makes students who attend for-profit institutions, authorized by THEC, eligible for the “Wilder-Naifeh Technical Skills Grant”.

HB 3109 – (Cooper) sets out criteria for students eligible for a HOPE scholarship, elect to enroll in a technology center, and receive a Wilder-Naifeh grant to retain HOPE eligibility for attendance at a community college.

HB 3312 – (Hargett) adds students of full-time religious workers in a foreign country to those eligible to receive a HOPE scholarship. The student must be a Tennessee citizen.

HB 2692 – (Kelsey) adds students who are residents of Tennessee but graduate from high school in a neighboring state to those eligible to receive a HOPE scholarship.

HB 2809 – (Winningham) allows those students receiving the HOPE foster child tuition grant to attend eligible private, as well as public, higher education institutions.

HB 3249 – (Brown) requires the department of education to establish competitive grants for eligible organizations that provide assistance to at-risk students attempting to increase ACT and SAT performance.

Deferred 1 week:

HB 3091 – (Winningham)

HB 4037 – (McMillan)

HB 3485 – (DeBerry, J.)

HB 1991 – (DeBerry, L.)

HB 3040 – (Bunch)

HB 2619 – (McMillan)

HB 3720 – (Winningham)

Taken off Notice:

HB 2658 – (Bunch)

HB 3704 – (Armstrong)

HB 2811 – (Winningham)

HB 3715 – (Winningham)

HB 3716 – (Winningham)

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday. Committee action follows:

Referred to Full Committee:

HB 2807 – (Winningham) requires the state board of education to provide a specialized curriculum for alternative schools. The bill also creates an advisory council for alternative schools. The council is to submit a report prior to February 1 of each year on alternative education in Tennessee.

HB 3098 – (Winningham) requires that funding for at-risk students be used solely for that purpose.

HB 3666 – (McCormick) creates a 12 member committee to study the necessity of driver education for all state public secondary schools. The report is to be presented to the Education committees before February 1, 2007.

HB 3093 – (Winningham) establishes a two-year pilot program providing athletic trainers in public high schools.

HB 3736 – (Stanley) increases the amount of purchase where local boards of education are required to solicit bids from \$5,000 to \$10,000 or more.

Referred to Full Committee, if amended:

HB 3819 – (DeBerry, J.) requires the office of education accountability to review Tennessee's Family Life Curriculum and present a written report no later than February 1, 2007, to the education committees of both houses and the select oversight committee on education.

HB 3852 – removes language in 49-6-2201(i) of those entities that are to be notified of textbook commission meetings.

HB 3927 – (Maggart) allows a local board of education to authorize short term, transient or temporary uses of school property.

SJR 38 – creates a special joint committee to study and review the implementation of the Coordinated School Health Improvement Act of 1999.

Failed in Subcommittee:

HB 2675 – (Cochran) created the Tennessee School Choice Act of 2006.

HB 2681 – (Campfield) required that no less than 65 percent of BEP funds be spent solely for classroom and instructional position components.

Taken off Notice:

HB 2967 – (Marrero)

HB 3976 – (Rowland)

HB 2606 – (McCormick)

HB 3524 – (Maddox)

HB 3893 – (Baird)

HB 2810 – (Winningham)

Education

HB 3248 – (Brown)
HB 2546 – (Hackworth)
HB 2657 – (Bunch)
HB 2659 – (Bunch)
HB 2935 – (Winningham)
HB 3168 – (Winningham)
HB2808 – (Winningham)
HB 3528 – (Dunn)
HB 3847 – (Bunch)
HB 3928 – (Maggart)
HB 3853 – (Gresham)
HB 3871 – (Armstrong)
HB 3975 – (Harwell)
HB 4039 – (McMillan)
HB 3713 – (Winningham)

The following bills were making changes in curriculum. These bills were taken off notice and are to be studied by the department of education and the state board of education. Their findings will be given in a report to the Education Committee in 2007.

HB 2606 – (McCormick)
HB 3063 – (Maggart)
HB 3138 – (DuBois)
HB 3292 – (Kernell)
HB 3624 – (Curtiss)
HB 3660 – (Maddox)
HB 3753 – (Overby)

The House Finance, Ways, and Means Committee met on Tuesday, April 4, 2006 with nineteen bills on calendar. A listing, brief description, and the action taken on these bills are as follows:

HB 3090 – Davidson – exempts from any business tax liability farmers who provide services to other farmers for the planting or harvesting of agricultural products or for the preparation, improvement, or maintenance of land used in the production of agricultural products. HB 3090 was **deferred for one week** for the sponsor to work with the Department of Revenue to define “farmer” within the bill.

HB 3532 – McDonald – designates a certain bridge on SR 386 in Sumner County (Vietnam Veterans Blvd.) as the Danny S. Young Memorial Bridge. The late Danny S. Young was killed in the line of duty on March 2, 1968, while serving the United States Army in Vietnam. HB 3532 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2447 – McDonald – requires all insurers authorized to transact property insurance in the State of Tennessee to make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein. As amended by the Commerce Cmte., the requirement that all property insurers who have policies in effect in the state must cover damage by sinkholes was deleted. The Commerce amendment requires that all companies that offer homeowner’s property insurance offer additional, optional coverage for sinkholes. HB 2447 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 1362 – Overbey – as amended in Judiciary, this bill deletes the population restriction applicable to Shelby County and allows any county to opt in to establish and collect a \$2.00 archives and records management fee for public records filed. HB 1362 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 3108 – Cooper – as amended in the Consumer & Employee Affairs Committee, which rewrote the bill, requires a dealer of pre-owned vehicles to provide emissions testing and vehicle inspection upon request of the purchaser, under certain circumstances:

- when the purchase to be made is from a dealer under a title retention agreement or a conditional sales contract,
- when the purchase is made in a city that requires the testing and inspection,
- if the vehicle is to be registered by the

- if the vehicle has not been tested or inspected within ninety (90) days prior to the consummation of the sale of such motor vehicle.

A violation is punishable through the levying of civil penalties and is a Class C misdemeanor. If the vehicle fails the emissions test or the inspection, the purchaser may waive in writing the provisions set forth by this legislation. These provisions may also be waived by written agreement of the purchaser and seller of the motor vehicle prior to inspection. HB 3108 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 1360 – DeBerry, J. – as amended in the Judiciary Committee, authorizes counties who are operating programs for victims of crimes to charge a \$45.00 fee to people convicted of a crime where the penalty imposes a fine of not less than \$500. A county may elect to establish such a program to assist victims of crime. The types of programs include rape crisis centers, domestic violence shelters, victims of crime hotlines and information groups, counseling, and crisis intervention programs. HB 1360 was **deferred for one week**.

HB 2434 – Ferguson – designates a certain segment of State Route 58 in Roane County as the Deputy Alan Wayne Shubert Memorial Highway and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. Monies for these signs will come out of the Highway Fund. The late Roane County Sheriff Deputy Alan Wayne Shubert was killed in the line of duty while attempting to stop and apprehend a drunk driver in 1979. HB 2434 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2452 – Ferguson – designates a certain segment of State Route 58 in Roane County as the Deputy Dennis Ray Armes Memorial Highway, and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. Monies for these signs will come out of the Highway Fund. The late Dennis Ray Armes, Deputy of the Roane County Sheriff’s Department, was shot and killed in the line of duty after stopping a vehicle on the portion of the highway that this bill names in his memory. HB 2452 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2453 – Ferguson – designates a certain segment of State Route 58 in Roane County as the R.L. (Bob) Collier Parkway. Designating signs shall be erected only if non-state funds are used to manufacture and



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erect such signs. Mr. Collier served Roane County for thirty-two years, of which twenty of those years he astutely served as the county's road supervisor. The Roane County Commission petitioned the legislature to name a segment of this highway in honor of Mr. Collier. HB 2453 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 3744 – Fitzhugh – changes the manner in which private carriers are assessed. Currently, carriers are assessed centrally by the State and then value is apportioned to various taxing jurisdictions based upon the percentage of business conducted in various locations. According to the provisions of this bill, they will be assessed locally, where the company is situated. HB 3744 was **deferred for one week**.

HB 2668 – Hensley – designates a certain segment of US Hwy 412 in Lewis County as the Alan Ragsdale Memorial Highway, and directs the Department of Transportation, in accordance with TCA §54-1-133, to manufacture and erect suitable signs. (Monies for these signs will come out of the Highway Fund.) The late Alan Ragsdale was killed in the line of duty while serving as an officer of the Hohenwald Police Department. HB 2668 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 3494 – Watson – designates a certain segment of US Hwy 411 in Polk County as the First Lieutenant I.J. Wright Memorial Parkway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs. HB 3494 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2954 – Montgomery – establishes the Tennessee State Emergency Fund to be used exclusively to provide grants for emergency relief efforts. This bill establishes the fund but does not allocate any monies to the fund. The fund may receive private donations and may receive monies provided by the state in the general appropriations act. The fiscal impact to statutorily establish the fund is not significant. An amount exceeding \$1,000,000 in state funds would be needed to provide such grants for emergency relief efforts absent significant private donations. HB 2954 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2915 – Mumpower – designates the interchange at US Hwy 11E and State Route 394 in Sullivan County as the Larry Carrier Memorial Interchange - Founder of Bristol International Speedway. Designating signs shall be erected only if Sullivan County remits the funds to manufacture and erect such signs. HB 2915 was

recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2916 – Mumpower – designates a certain bridge on State Route 34 in Johnson County as the Robert Taylor Scott Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs. HB 2916 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 3647 – Mumpower – designates a certain bridge on State Route 126 in Sullivan County as the Dr. James A. Street Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs. HB 3647 was recommended for passage by the full committee and referred to **Calendar and Rules**.

HB 2558 – Shaw – designates a certain bridge on SR 125 in Hardeman County as the Sheriff Bennie E. Howell Memorial Bridge. The original bill had the manufacturing and erection of the designating signs memorializing the bridge to be paid from non-state funds, but it came to light in committee that the Sheriff had indeed been killed in the line of duty, so the Finance Committee amended the bill to have funding be in accordance with TCA §54-1-133, which states that funding for the signs marking the bridge or highway be derived from the Highway Fund. HB 2558 was **amended and rolled for one week** to wait on a fiscal memo reflecting the change in revenue source.

HB 3818 – Shepard – designates a certain bridge on SR 840 in Williamson County as the Sgt. Roger D. Rowe Memorial Bridge. The cost of the signage shall be funded in accordance with TCA §54-1-133. (Monies for these signs will come out of the Highway Fund.) The late Sgt. Roger D. Rowe was killed in the line of duty while serving in Iraq. Though his unit of the Tennessee National Guard, Detachment 1, 771st Maintenance Company of Hohenwald had not been called up, Sgt. Rowe volunteered to deploy with the 1174th Transportation Company of Dresden and Newbern when it issued a call for truck drivers. According to the bill, he was the first Tennessee National Guardsman to be killed in Iraq. HB 3818 was recommended for passage by the full committee and deferred to **Calendar and Rules**.

HB 2055 – DeBerry, L. –requires the Commissioner of Health to appoint a child nutrition and wellness advisory council with the assistance of the Tennessee Healthy Weight Network. The original printed bill authorizes the Commissioner to determine the number of council members, appoint a chairperson, and establish

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and establish the council's operating procedures. It further requires the council to advocate for child wellness and nutrition, develop nutrition and physical activity standards for children, gather pertinent data, and develop strategies for long-term child nutrition and wellness in various public and private settings. The bill creates an Office of Child Nutrition and Wellness to assist the Council and Commissioner to be operated within the Department of Health's existing resources. A Budget Subcommittee amendment from last year was on the bill making it subject to appropriations; the bill also has a negative fiscal note as it currently stands. **HB 2055 was re-referred back to Budget Subcommittee** on Tuesday to allow the bill to be heard in subcommittee this year, to be further amended, if needed, and accounted for within the budgetary process.

A presentation on the Safety Net was made to the committee on Tuesday, April 4th following action on the committee's calendar of bills. The Department of Aging and Disability Budget Hearing will be at a future date to be determined and later announced.

The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, April 5, 2006, with 47 bills on calendar.

Subcommittee Actions for these pieces of legislation are as follows:

Off Notice:

HB 2848 – Curtiss
HB 57 – Shaw
HB 2465 – Stanley
HB 3909 – Litz



Failed for Lack of Motion

HB 2689 – Campfield

Behind the Budget:

HB 2745 – Crider
HB 1415 – Jones, U.
HB 2568 – West
HB 2564 – West
HB 2579 – West
HB 2598 – Fraley
HB 853 – Johnson, R.
HB 2443 – Pinion
HB 993 – Vaughn

Behind the Budget with an Amendment

HB 52 – Matheny (*BSA1 changes the effective date to July 1, 2006.*)

Deferred to the Last Calendar

HB 1377 – Todd

Deferred One Week:

HB 2769 – Hargett
HB 2768 – Hargett
HB 3602 – Hargett
HB 3883 – Bone
HB 2651 – Godsey
HB 3793 – Hood
HJR 84 – Johnson, R.
SJR 574 – Sen. Bowers (*with Rep. Larry Miller carrying it in the House*)

Deferred Two Weeks:

HB 2535 – Baird
HB 2126 – McMillan
HB 3201 – Odom
HB 3611 – Odom (*as amended this week by same amdt. filed in the Senate*)
HB 2485 – Turner, M.
HB 2521 – Fraley
HB 855 – Johnson, R.
HB 111 – Moore
HB 4016 – McMillan (*with Rep. Pinion carrying this Administration Bill*)
HB 3513 – Yokley

Deferred Three Weeks:

HB 3547 – McCormick

The following bills were referred to Full Committee:

HB 3656, by **Rep. Baird**, directs the Department of Transportation to identify an appropriate bridge on the Tennessee National Guard Parkway, State Route 840, to be designated as the Sergeant Alfred Barton Siler Memorial Bridge. The cost is in accordance with TCA §54-1-133, which is the section of the code stipulating that the highway fund is to pay for the construction and installation of memorial signs designating highways and bridges in honor of service personnel and public safety officials who were killed in the line of duty. Sergeant Alfred Barton Siler of Duff, Tennessee was a national guardsman killed in action.

HB 3042 by **Rep. Hackworth**: As amended in Budget Subcommittee, this bill directs the Comptroller of the Treasury to determine all state and local government expenditures for indigent care and all available federal resources for such care.



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The Comptroller shall report back to both House and Senate Finance, Ways, and Means committees by January 15, 2007 on the procedures and techniques for capturing any available federal funding for such purpose. The Comptroller is also directed to report on the likelihood of discontinuance or diminution of any federal funds for indigent care in Tennessee.

HB 1655, by **Rep. Maddox** and as amended in Transportation, prohibits the airport limousine, limousine, sedan, shuttle, or taxicab drivers from using a hand held mobile telephone while the vehicle is in motion and transporting passengers for a fee. However, this prohibition does not apply to communications made to and from a central dispatch, or equivalent, regarding the passengers' route. It also does not apply if there is a "bona fide emergency." A violation is a Class C misdemeanor. The Budget Subcommittee Amendment fixed the effective date.

HB 3677, by **Rep. Odom** and as amended in Agriculture, outlines the sanctions imposed by the Department of Agriculture upon those who violate regulations governing aerial pesticide applications. It authorizes the Commissioner of Agriculture to issue a civil penalty up to \$2,500 upon determination of a violation.

HB 2554 by **Rep. Eldridge**: This bill requires the Department of Correction to award any inmate who successfully receives a GED, high school diploma, college degree, certification in applied science, or a vocational education diploma good time credit of sixty days for each program the inmate completes. As amended in State and Local Government Committee, clarifying language is added saying that no qualifying prisoner may receive more than 1 credit of 60 days, regardless of the number of programs completed. It further stipulates that the provisions of this legislation shall not apply to any inmate convicted of the following offenses: murder in the first or second degree, especially aggravated or aggravated kidnapping, especially aggravated robbery, rape or aggravated rape, aggravated sexual battery, rape of a child, aggravated arson, aggravated child abuse, child rape, or multiple rape.

HB 3739 by **Rep. Fitzhugh**: This bill changes the dates that are relative to the transferring of any excess funds existing in the telecommunications ad valorem tax reduction fund (TAVTRF) to the General Fund. It also changes the dates that are relative to any telephone company notifying the Comptroller concerning any ad valorem tax payment entitlement, as well as the dates that are relative to the Comptroller making all ad

valorem tax payments to any entitled telephone companies. The bill further requires the total amount of any payments made be limited to the amount contained in the TAVTRF on March 1st of each year (as opposed to May 15th of each year). As amended in Budget Sub., it reduces from 15 years to 5 years, the time period that any proportionally reduced payments, due to a shortfall in the TAVTRF, can be carried forward. The amendment also changes the dates that are relative to the transferring of any excess funds existing in the TAVTRF, making it one-year later than what was proposed in the original bill.

HB 3622, by **Rep. P. Johnson**, directs the Department of Transportation to identify an appropriate bridge on the Tennessee National Guard Parkway, State Route 840, to be designated as the Sergeant Gary Lee Reese, Jr. Memorial Bridge. Sergeant Reese was killed in action therefore, the cost of such signage shall be funded in accordance with TCA §54-1-133.

HB 828 by **Rep. P. Johnson**: As amended in the Transportation Committee, HB 828 prohibits the operation of a motor vehicle, other than an emergency vehicle, within a distance of 100 feet behind a school bus that is in motion, unless the motor vehicle is passing or overtaking the school bus.

HB 3107, by **Rep. P. Johnson**, designates a certain bridge on State Route 49 in Cheatham County as the Sgt. Gary Lee Reese, Jr. Memorial Bridge. Sgt. Reese was killed in action therefore, the cost of such signage shall be funded in accordance with TCA §54-1-133.

HB 3631 by **Rep. McDaniel**: This bill designates a certain bridge on State Route 128 in Wayne County as the Ethridge Lineberry Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

Rep. McDaniel



HB 3632, by **Rep. McDaniel**, designates a certain segment of State Route 128 in Wayne County as the C.W. Lineberry Memorial Highway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

HB 3633, by **Rep. McDaniel**, designates a certain segment of State Route 201 in Henderson County as the Gordon Turner Memorial Highway. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

The **Government Operations Committee** convened on Wednesday morning to consider the 25 bills on the calendar.

The following bills were deferred for one week:

HB 2584 by Representative Rowland
HB 3354 by Representative Mike Turner
HB 3356 by Representative John DeBerry
HB 2660 by Representative Bunch
HB 2656 by Representative Bunch
HB 3962 by Representative McMillan
HB 2200 by Representative Briley
HB 3616 by Representative Niceley
HB 3615 by Representative Niceley
HB 4031 by Representative McMillan
HB 4019 by Representative Armstrong
HB 4009 by Representative McMillan

The following bills were taken off notice:

HB 3429 by Representative Odom
HB 3147 by Representative Overbey
HB 3049 by Representative McKee
HB 3050 by Representative McKee

The following bills were in committee for rulemaking purposes and were **sent to the appropriate standing committees with positive recommendations**:

- **HB 2665** by Representative Ferguson – passes to the Judiciary Committee. The Commissioner of Health is designated rulemaking authority in order to establish protocol for medical examiners to investigate the death of a child.
- **HB 2532** by Representative Pinion – passes to the Transportation Committee. The Commissioner of Safety is authorized to promulgate rules in order to establish a new criminal investigation division within the Department of Safety.
- **HB 610** by Representative Harwell – passes to the Health and Human Resources Committee. As amended, this legislation would require all food establishments that serve any potentially harmful foods to have at least one employee that has completed a food service sanitation training course and has certification. The Department of Agriculture would have rulemaking authority over those establishments that they oversee and the Department of Health

would have rulemaking authority over establishments that they are responsible for.

- **HB 2604** by Representative Tindell – passes to the Children and Family Affairs Committee. The Tennessee Bureau of Investigation is authorized to promulgate rules outlining the procedures in which to photograph sexual offenders.
- **HB 3084** by Representative Litz – passes to the Commerce Committee. Under this legislation, the Department of Commerce and Insurance is authorized to promulgate rules in order to license and regulate county mutual insurance companies.
- **HB 2686** by Representative Campfield – passes to the Health and Human Resources Committee. This bill would establish a pilot program for re-dispensing prescription drugs in nursing homes and hospices. The program would be monitored by the Board of Pharmacy in conjunction with the Department of Health. The Board of Pharmacy would be authorized to promulgate rules in order to oversee the provisions of this pilot program.

Other Legislation

The committee reviewed and referred **HB 3573** by Representative Kernell to the State and Local Government Committee with a positive recommendation. This legislation creates the Office for Honest and Appropriate Government Spending that will be administered through the Office of the Comptroller. This office will receive complaints regarding inefficiency, waste, mismanagement, or fraud in Tennessee government. An amendment placed on the bill would allow the Comptroller to publish a toll free hotline for individuals who wish to file a complaint with the office.

HB 3717 by Representative Winningham was reviewed and referred to the Health and Human Resources Committee with a positive recommendation. This legislation would create a five member Board of Athletic Trainers to license and regulate the athletic training profession. Currently, the Board of Medical Examiners regulates the licensure and regulation of athletic trainers. The board's composition would consist of three athletic trainers, one licensed physician and one citizen member. All members would be appointed by the Governor. An

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amendment placed on the bill would allow board members to collect a per diem for their meetings but this per diem must not exceed the amount of per diem that members of the General Assembly receive.

HB 2680 by Representative Campfield was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation would create a Tennessee Comprehensive Health Insurance Pool (TCHIP) that would consist of insurers and health management organizations. In addition, the bill calls for the appointment of an eleven member board of directors which would oversee the operation plan for the pool. The Commissioner of Finance and Administration would be empowered with rulemaking authority as well as appointing the eleven member board of directors. An amendment was placed on the bill to add a sunrise provision.



The **Health & Human Resources Committee** met Tuesday morning, April 4, 2006, to consider 10 bills and one joint resolution. **HJR 0959** (Shaw) that urges Congress to reauthorize the Ryan White CARE Act was rolled one week. **HB 3683** (Clem) as amended that authorizes the Department of Agriculture to issue a "Certificate of Free Sale" to food, non-prescription drugs, or cosmetics manufacturers was referred to C&R. Rep. Pinion requested that **HB 2757** (exemption from nursing licensure requirements) be rolled one week. Rep. Cooper presented a new amendment to **HB 2970** that rewrites the bill to require the Department of Human Services to inform a child care provider of the termination of a child's subsidy certificate for child care services within 48 hours and to authorize the department to withhold subsidy payments to a subsequent child care provider until a child's parent has made all required co-payments to the previous provider. The committee adopted the amendment and then rolled the bill one week for review. **HB 3795** (Hood) as amended that authorizes boards of allied health care professions to enter into agreements with statewide nonprofit agencies or other state agencies for the purpose of evaluating the allied health care workforce was referred to C&R. **HB 2758** (Favors) as amended that decreases the number of members on the Council of Certified Professional Midwifery from nine to six (including three certified professional midwives, one consumer, one certified nurse midwife, and one physician), changes the meeting requirements from twice a year to once a year, and changes the renewal of a midwife certificate from three years to two was referred to C&R. **HB 3536** (Overbey) as amended that authorizes certain reasonable non-compete clauses between a physician and the employing medical group practice was referred to C&R. The amendment removes radiologists and anesthesiologists from the provisions of the bill. Rep. Shepard rolled **HB 3067** (reporting of healthcare facility acquired infections) one week. Rep. Odom rolled **HB 3562** (Davidson County pilot project for delivering behavioral health services) one week. **HB 3585** (Odom) that exempts certain

online nursing diploma programs from Board of Nursing approval was referred to C&R after the Board of Nursing gave testimony and responded to questions. Rep. Odom rolled **HB 3203** (surgical technologists) one week.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** had two bills on calendar Tuesday afternoon, April 4th. After testimony from proponents and opponents on **HB 2831** (Campfield) that requires non-residential methadone treatment facilities to offer alternative therapies, the subcommittee voted to roll the bill to 2007. **HB 3026** (Maddox) as amended was referred to full committee. The amendment rewrites the bill to increase the number of private beds in intermediate care facilities for persons with mental retardation (ICF/MR) by 40 beds per year for the next four years, require that the new beds be filled by persons from the developmental centers referred by the Division of Mental Retardation Services (DMRS), require DMRS to appoint a task force to review the future need for ICF/MR services and make recommendations to the General Assembly and Governor by June 30, 2007, and require ICF/MR comply with applicable rules and guidelines of DMRS.

Public Health Subcommittee

The **Public Health Subcommittee** met Wednesday morning, April 5, 2006, with 10 bills on calendar; none were referred to full committee. **HB 2690** (Campfield) that prohibits a hospital or home care organization from knowingly contacting a prospective patient whose name appears in an accident report in an attempt to persuade such person to accept treatment from the hospital or home care organization was rolled with a motion pending; subcommittee members had a number of questions about this legislation. After testimony from the Board of Cosmetology and the public, both proponents and opponents, **HB 3839** by Rep. H. Brooks (natural hair stylists) was rolled one week with the subcommittee amendment pending. The subcommittee was unable to complete its business within the allotted time; therefore, the following bills were rolled: **HB 2913** (Mumpower), **HB 3062** (Maggart), **HB 3501** (Eldridge), **HB 3556** (Godsey), **HB 3773** (Rinks), and **HB 4008** (McMillan). Two bills were taken off notice by the sponsors: **HB 2539** (Jones, S.) and **HB 3020** (Shepard).

Health & Human Resources

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met at noon on Wednesday, April 5th with 19 bills on notice, referring six to full committee. **HB 3719** (Winningham) as amended sets out standards for the Board of Medical Examiners to use to discipline athletic trainers. The amendment corrects a typographical error in the printed bill and removes the exception for physician employers. **HB 0851** (Ferguson) that authorizes licensure as a registered nurse or licensed practical nurse if the applicant has completed specific training while serving on active duty in the medical corps of the armed forces of the United States was referred 6-4 on a roll call vote. **HB 2561** (Shepard) expands the discipline authority of the Massage Licensure Board and creates an alternative to existing licensure requirements in certain situations. **HB 2896** (West) prohibits physicians from performing elective cosmetic surgery upon any patient without the informed consent of the patient, requires the Board of Medical Examiners to develop a list of common risks of the five most frequently performed cosmetic procedures, and requires a physician to have the patient review and sign such applicable list prior to their elective cosmetic surgery. **HB 3844** (Rowland) authorizes a pharmacist, when making drug substitutions, to use drugs and drug products manufactured within any state or county if the products have been approved by the FDA and given an "A" therapeutic equivalent rating. **HB 3598** (Favors) revises the (to be effective) July 1, 2006, qualifications for employment of surgical technologists to include national certification through the NCCT TS-C exam, completion of a surgical technology program accredited by ABHES, or successful completion of the NCCT TS-C exam. Rep. Winningham rolled **HB 3718** (athletic trainer on BME) one week. Rep. Ferguson rolled **HB 0850** (RN licensure of medical corps). Rep. Overbey rolled **HB 1759** (physician disclosure) to the heel of the last calendar. Rep. McDaniel rolled **HB 1892** (scope of practice for physical therapists) one week for amendatory language. After testimony from proponents and opponents of **HB 3384** (licensure of registered dental assistants), Rep. Shepard rolled the bill one week with a motion on the bill pending. Rep. Shepard took **HB 2501** (donating legend drugs) off notice. **HB 3372** (Windle) that authorizes the Board of Electrolysis Examiners to register an electrologist to practice without examination and without an out-of-state license if the applicant meets certain criteria was rolled one week with an oral amendment pending. The

subcommittee was unable to complete its calendar within the allotted time; therefore, the following bills were rolled: **HB 3385** (Shepard), **HB 3882** (Odom), **HB 3800** (Jones, U.), **HB 3835** (Turner, M.), **HB 3499** (Mumpower), and **HB 3087** (Jones, S.).



Rep. Favors

On Tuesday, the **Full Judiciary Committee** met to discuss seventy-one bills. Due to time constraints, a number of bills were rolled for one week.

The following bills were approved for passage and **sent to the Finance, Ways, and Means Committee:**

- HB 3879 by Rep. R. Johnson requires all applicants seeking a professional bondsman license to undergo a criminal background check. The bill also requires TBI to submit the results of its investigation to the clerks of courts responsible for regulating the bondsman.
- HB 2824 by Rep. Todd adds nolo contendere plea to the definition of conviction for the purposes of requiring a sexual offender who pleads this plea for an out of state offense to be required to register with the Tennessee Sexual Offender Registry.
- HB 2825 by Rep. Todd increases fines and jail terms for certain violations of the sexual offender registration law.
- HB 3578 by Rep. Sontany creates the position of an assistant victim witness coordinator in ten judicial districts.
- HB 3956 by Rep. Briley creates statutory authorization for the Integrated Criminal Justice Steering Committee who is responsible for facilitating the development of integrated criminal justice information systems.
- HB 3256 by Rep. U. Jones imposes an additional fine of \$15.00 upon drivers who leave the scene of an accident involving personal injury to be used to fund the brain injury fund.
- HB 3612 by Rep. Fitzhugh increases the base salaries for trial court judges, intermediate appellate court judges, Supreme Court justices, and the Attorney General and Reporter.
- HB 3685 by Rep. R. Johnson authorizes a publicly funded forensic lab to be built in the 9th Judicial District (Loudon, Meigs, Morgan and Roane Counties).

The following bills were approved for passage and **sent to Calendar and Rules Committee:**

- HB 4018 by Rep. McMillan repeals T.C.A. §12-4-118 which requires contracts entered into by the State of Tennessee to have a provision that holds harmless and indemnifies those persons for breach of contract that is caused by the failure of computer software.
- HB 3643 by Rep. Todd makes it an offense

for any person or company to offer to pay a motor vehicle traffic citation for a person who purchased any device such as a radar detector from the person or company so as to interfere or diminish law enforcement's ability to measure the speed of a motor vehicle. The sponsor explained the purpose was to prevent a company's inducement of the sale of a radar device through its promise to pay a citation as well as prevent a company from encouraging individuals to break the law.

- HB 3217 by Rep. Kelsey clarifies the language "party to be charged" to mean the party against whom an enforcement of a contract is sought as it relates to the statute of frauds.
- HB 3880 by Rep. Stanley amends the definition of nuisance by replacing the word assignation with the word prostitution as well as expands the definition of place to include all the property on which a nuisance is located that is under the ownership, management, or control of the violator.
- HB 2504 by Rep. Harmon, as amended, allows a county that has constructed a criminal justice building, facility or uses a building or facility that is not located within the limits of the county town to hold criminal court in the building provided it is within county limits.
- HB 3360 by Rep. Sontany prohibits a hospital from imposing a charge on an indigent person for furnishing health records to such person for the purpose of supporting a claim or appeal for social security benefits. The bill also creates an affidavit of indigency form to be provided as proof by the person claiming indigency.
- HB 3606 by Rep. Stanley allows the court to appoint a person not named in a decedent's will or related to the decedent to administer a small estate if all competent adult legatees or devisees or if not will, heirs or next of kin consent in writing to the appointment.
- HB 3662 by Rep. Hill deletes authorization for public disclosure of health care provider's home address when the address is listed as the work address as part of a provider profile under the Health Care Consumer Right to Know Act of 1998.
- HB 3367 by Rep. Coleman provides appointment of successor trustee by the beneficiary at any time during foreclosure sale.

Judiciary

- HB 3370 by Rep. Coleman authorizes a trustee to plead in an answer to the complaint for the sale of property under a trust deed or mortgage that the trustee is not a necessary party to the action and believes named solely in the capacity as a trustee.
 - HB 3512 by Rep. Sargent, as amended, defines terms for a commercial instrument such as account purchase transaction to mean an agreement under which commercial entity sells accounts, instruments, or documents to another commercial entity subject to a discount or fee, regardless of whether the entity is under a repurchase obligation. Also, it defines interest to not include any amount of a discount or fee in, or charged under, an account purchase transaction.
 - HB 3259 by Rep. U. Jones requires a person convicted of promoting prostitution to submit to an HIV test.
 - HB 1742 by Rep. Hargett, as amended, enacts the Internet Spyware Control Act of 2005.
 - HB 2627 by Rep. McMillan creates a Class C misdemeanor for acting to obstruct or interfere, or make any utterance, gesture, or display in a manner offensive to the sensibilities of an ordinary person with a funeral, funeral viewing of a deceased person, funeral procession, or memorial service within 500 feet of event.
 - HB 2853 by Rep. Pleasant authorizes the Register of Deeds in Shelby County to redact social security numbers from recorded documents upon request.
- HB 2649 by Rep. Godsey
 - HB 3433 by Rep. Bone
 - HB 3235 by Rep. Fowlkes
 - HB 2678 by Rep. Baird
 - HB 2586 by Rep. Ferguson
 - HB 3068 by Rep. Curtiss
 - HB 3393 by Rep. McMillan
 - HB 3462 by Rep. Buck
 - HB 3581 by Rep. Coleman
 - HB 3946 by Rep. Briley
 - HB 3368 by Rep. Coleman
 - HB 3539 by Rep. Overbey
 - HB 3599 by Rep. Sargent
 - HB 2629 by Rep. Hargett
 - HB 2637 by Rep. Cochran
 - HB 3113 by Rep. Casada
 - HB 3116 by Rep. Casada
 - HB 3776 by Rep. Rinks
 - HB 3777 by Rep. Rinks
 - HB 3820 by Rep. J. Deberry
 - HB 3899 by Rep. Buck
 - HB 2798 by Rep. R. Johnson
 - HB 2531 by Rep. Pinion
 - HB 3625 by Rep. Curtiss
 - HB 3069 by Rep. Fowlkes
 - HB 2587 by Rep. Fowlkes
 - HJR 845 by Rep. Kelsey
 - HB 3039 by Rep. Bunch
 - HB 2783 by Rep. Clem
 - HB 2784 by Rep. Clem
 - HB 2785 by Rep. Clem
 - HB 417 by Rep. Matheny

Rolled 2 weeks:

HB 2061 by Rep. Todd
HB 3843 by Rep. Lynn

Off Notice:

HB 180 by Rep. R. Johnson
HB 2625 by Rep. McMillan

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee is closed.

Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met on Tuesday and Wednesday to discuss bills a number of bills. HB 3734 by Rep. Sontany was rolled to the governor's DUI task force. The Criminal Practice & Procedure Subcommittee's is now closed.

The following bills were rolled for 1 week:

HB 2931 by Rep. Cochran
HB 3465 by Rep. Curtiss
HB 3058 by Rep. Cochran
HB 3446 by Rep. Lynn
HB 638 by Rep. Cochran
HB 1389 by Rep. Brooks (Knox)
HB 3413 by Rep. McMillan
HB 2840 by Rep. Coleman
HB 3878 by Rep. Coleman
HB 3579 by Rep. Coleman
HB 3212 by Rep. Kelsey

Judiciary

The following bills were approved for **passage to the Full Judiciary Committee:**

Rep.
Sontany



- HB 3418 by Rep. McMillan extends the statute of limitations for the rape of a child, aggravated rape, rape, aggravated sexual battery, and sexual battery by an authority figure.
- HB 3359 by Rep. Sontany authorizes any humane society chartered by the state to exercise discretion in whether they accept or decline placement of an animal that is a victim of animal cruelty upon the arrest of a person alleged to have committed the offense.
- HB 3987 by Rep. McMillan makes it a class E felony offense for any individual to knowingly and with unlawful intent take, send, or cause to be taken any telecommunication device into a penal institution.
- HB 3986 by Rep. McMillan expands the scope of sexual contact with prisoners to include volunteers and vendors who engage in sexual contact or sexual penetration with an inmate who is in the custody of a penal institution whether it occurs on or off the grounds of the institution. Makes such an offense a class E felony.
- HB 2661 by Rep. Bunch makes changes to the offense of statutory rape by stating the defendant has to be at least 4 years older than the victim but less than 10 years older. Also, the bill creates a Class C felony of aggravated rape defined by the sexual penetration of a victim between 13 and 18 years old where the defendant is at least 10 years older.
- HB 2662 by Rep. Bunch adds an unlawful sexual act against a child who is under 13 years of age to the list of offenses that are classified as first degree murder.
- HB 2663 by Rep. Bunch creates a new Class B felony offense of statutory rape by an authority figure. Requires a convicted offender to serve the entire sentence and makes the offender ineligible for diversion or probation.
- HB 2666 by Rep. Bunch creates a new Class B felony for the offense of child sexual batterer. Requires the convicted offender to serve the entire sentence and makes the offender ineligible for diversion or probation.
- HB 3121 by Rep. Montgomery, as amended, requires a DUI offender who is issued a driver's license or a restricted driver's license

Rep.
Bunch



following a second or subsequent offense to have an ignition interlock device installed on all motor vehicles driven by DUI offender.

- HB 2644 by Rep. Hensley, as amended, expands the offense of abuse of a corpse to include knowingly offering to sell, selling, offers to purchase or purchases of previously buried human skeletal remains without legal authority or privilege to do so. The amendment also exempts hospitals, medical schools, colleges or universities for education or research purposes from the prohibition of the importation or exportation of human remains in Tennessee.
- HB 3086 by Rep. S. Jones adds the requirement that any person applying to work at detention centers or temporary holding facilities in a position where significant contact with children is likely must supply a fingerprint sample and submit to a criminal background check.
- HB 2794 by Rep. Marrero requires the Department of Safety to report any DUI related death of a person 18 years old or under to the Department of Education, stating the cause of death, background of the victim, and the impact on the victim's family. The bill authorizes the Department of Education to prepare and distribute to LEAs guidelines for informing high school students of any DUI related death of a person 18 years old or younger.
- HB 2909 by Rep. Strader, as amended, makes it a Class A misdemeanor offense to knowingly produce, manufacture, distribute, possess or possess with intent to produce, manufacture, or distribute the hallucinogenic plant *Salvia divinorum* or any plant or substance containing the active chemical ingredient Salvinorin A.
- HB 3837 by Rep. Windle requires a person convicted of a third or subsequent child rape to serve a minimum of 25 years in jails; Upon release, the offender must remain on community supervision for the remainder of his or her life and supervision shall include use of GPS tracking.
- HB 2924 by Rep. Hill elevates the current Class A felony offense of rape of a child to a capital offense punishable to death, life without the possibility of parole, or life imprisonment.
- HB 3561 by Rep. Sontany expands the offense of escape from a penal institution to include escape by a person arrested for, charged with, or found guilty of a civil offense and makes it a Class A misdemeanor if the person

Rep. Windle



Judiciary

was held for a civil offense.

- HB 2671 by Rep. Hill creates a new Class d felony for knowingly operating a motor vehicle that is equipped to supply the engine with nitrous oxide. Requires a permanent driver's license revocation.
- HB 2688 by Rep. Campfield, as amended, makes it a criminal offense to expose another person to hepatitis B or C without disclosing it.
- HB 3307 by Rep. Niceley, as amended, creates a felony offense of ecoterrorism.
- HB 3328 by Rep. McCord, as amended, adds to sentencing enhancement factors that the defendant was profiteering off of victims of a natural disaster, declared a disaster area by the appropriate state or federal official.
- HB 3337 by Rep. McCord makes it a Class A misdemeanor for failure to comply with notice requirements for the sale of land upon foreclosure.
- HB 3714 by Rep. Wittingham creates a new Class A felony offense for any person to knowingly import or transport methamphetamine into the state of Tennessee.
- HB 3916 by Rep. Kernell permits a judge to issue a restricted driver's license to a DUI offender that permits the person to go to a court-ordered alcohol or drug program or a religious program.
- HB 2691 by Rep. Yokely, as amended, establishes an automated victim notification system to be administered by the district attorneys general conference.
- HB 3678 by Rep. Dunn, as amended, prohibits the sale, possession or use of a radar jamming device. The amendment exempts out law enforcement acting in their official capacity.
- HB 3272 by Rep. Fitzhugh permits a judge to order sentence for sentences for multiple convictions to be served consecutively rather than concurrently if the defendant committed the offense while incarcerated.
- HB 415 by Rep. Towns, as amended, requires a person convicted of selling drugs on the grounds or facilities of any place of worship, when such place of worship is in use or reasonably expected to be in use or within 1000 feet of the real property be punished one classification higher.
- HB 2611 by Rep. Harwell requires the board of Probation and Parole to require GPS

monitoring for all sex offenders and mandatory lifetime monitoring of violent offenders.

- HB 4034 by Rep. McMillan removes the statute of limitations for the prosecution of aggravated rape, sexual battery, rape, sexual battery by an authority figure and incest committed against a person under the age of 18 years of age.

Off Notice:

HB 2611 by Rep. Favors
HB 3192 by Rep. Harmon
HB 2528 by rep. S. Jones
HB 2596 by Rep. Hood
HB 3130 by Rep. Strader
HB 1399 by Rep. McCord
HB 2684 by Rep. Campfield
HB 3487 by Rep. R. Johnson

Summer Study:

HB 2940 by Rep. Stanley
HB 932 by Rep. Towns
HB 2765 by Rep. Strader

Constitutional Protections Subcommittee

The Constitutional Protections Subcommittee met on Tuesday and Wednesday of this week to hear a number of bills. The Constitutional Protection Subcommittee will meet for the last time on April 12, 2006.

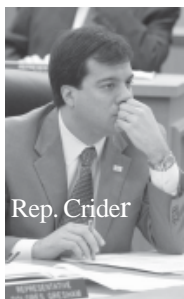
The following bills were approved for passage to the Full Judiciary Committee:

- HB 2570 by Rep. West, as amended, makes it an offense to knowingly photograph an individual in a dressing area or bathroom facility without such individual's consent using a cell phone or other electronic device.
- HB 3125 by Rep. Shaw prohibits the governor, director of TEMA and the executive officers or governing bodies of the political subdivisions of the state establishing local emergency management agencies from engaging in any form of electronic surveillance during a declared state of emergency except when authorized by law.
- HB 3451 by Rep. Sontany creates a Class C misdemeanor offense for a law enforcement officer to require or request a victim of a sexual offense or violent sexual offense to submit to a polygraph examination or another test designed

Judiciary

to detect deception as a condition of the officer proceeding with the investigation.

- HB 3982 by Rep. McMillan, as amended, requires the Department of Agriculture to treat identification or animal tracking records and contingency plans concerning agriculture homeland security event as confidential and not open for public inspection. Also, makes information received by the state that is required by federal law or regulation to be kept confidential exempt from public disclosure and inspection.
- HB 2760 by Rep. Strader, as amended, requires any person or employee of such person who contracts or subcontracts with a board of education or child care program and who comes into contact with school children supply a fingerprint sample and submit to a criminal history records check.
- SJR 0542 by Sen. Southerland is a resolution that urges the United States Congress to enact the Constitution restoration Act of 2005, which would protect the ability of the people of the state and nation to display the Ten Commandments in public places, express their faith in public, retain God in the Pledge of Allegiance, retain In God We Trust as our national motto, acknowledge God as the sovereign source of law, liberty, and government.
- HB 3023 by Rep. Maddox, as amended, states that when a physician has reasonable cause to report sexual abuse of a minor and is performing an abortion on that minor who is under the age of 13 years old, the physician must notify the official to whom the report is made of the date and time of the scheduled abortion. A sample of the fetal tissue extracted must be preserved and available to be turned over to law enforcement investigating the rape of such a minor.



The following house bills failed:

HB 1711 by Rep. R. Johnson requires a right thumbprint of a pledgor be taken for a pawn transaction and be maintained by the pawnbroker for 5 years from the date of the pawn transaction.
HB 3857 by Rep. Crider prohibits the Governor of Tennessee from limiting the sale of ammunition during a state of emergency and prohibits the state

or any public official from imposing additional restrictions on firearms during a state of emergency.

HB 3141 by Rep. DuBois requires a defendant convicted of domestic assault, stalking, aggravated or especially aggravated stalking offense or violation of a protective order to pay for a handgun safety course or a carrying permit for the victim.

HB 2921 by Rep. Hill authorizes counties and municipalities to display historically significant documents such as the Ten Commandments, Bill of Rights, and the U.S. Constitution.

HB 3637 by Rep. Swafford allows individuals who voluntarily commit themselves to a mental institution as in patient to apply for a handgun carry permit.

HB 2870 by Rep. DuBois authorizes circuit courts to render declaratory judgments on whether an in state business has a constitutional nexus to another state for the purpose of collecting sales taxes from another state.

The following bills were rolled 1 week:

HB 2791 by Rep. Marrero
HB 3527 by Rep. Dunn
HB 1349 by Rep. Briley
HB 3762 by Rep. McCord
HB 3807 by Rep. Harmon
HB 3357 by Rep. J. DeBerry
HB 3703 by Rep. Armstrong
HB 3059 by Rep. Maggart

Off Notice:

HB 2920 by Rep. Davis
HB 3218 by Rep. Kelsey
HB 2454 by Rep. S. Jones

Judicial Administration Subcommittee

The Judicial Administration Subcommittee met to consider bills thirty bills. The following house bills were rolled to 2007: HB 2948 by Rep. Stanley, HB 2951 by Rep. Stanley; HB 2953 by Rep. Stanley. The Judicial Administration Subcommittee is now closed.

The following bills were approved for passage to the Full Judiciary Committee:

- HB 3255 by Rep. U. Jones increases from \$500.00 to \$1,500 the maximum daily amount a court can pay for room and board for jurors.

Judiciary

- HB 2437 by Rep. DuBois, as amended, requires the governor to appoint a judge to the newly created circuit court for the 22nd district serving until September 1, 2008, or until a successor is elected and qualified.
- HB 2872 by Rep. DuBois requires bond forfeitures, jail costs, and court costs for misdemeanor offenses go to the county in which the indictment was found rather than be paid to the state.
- HB 3580 by Rep. Coleman, as amended, specifies that the annual salary for a general sessions court judge must be increased over the annual compensation and supplements and annual adjustments by the lesser of \$10,000 or 20% of such annual compensation as of August 31, 2006.
- HB 2451 by Rep. Ferguson creates an exemption from the Municipal Court Reform Act of 2004 continuing education requirements if a municipal judge is a practicing attorney who has satisfied annual CLE requirements.
- HB 3680 by Rep. Bunch clarifies that a general sessions court defendant's refusal to accept delivery of process sent by certified or registered mail constitutes valid process, if the receipt evidencing refusal to accept is filed in the action.
- HB 3371 by Rep. Sontany authorizes any judge of court exercising juvenile jurisdiction to establish a drug court in the same manner provided by law as judges of courts exercising criminal jurisdiction.
- HB 3349 by Rep. R. Johnson requires that compensation paid to child support referees pursuant to rules of the Supreme Court fall within the ranges established by the General Assembly.
- HB 3535 by Rep. Fowlkes authorizes a county to create a position of judicial referee in such county to assist the trial judges by hearing preliminary non-dispositive civil and criminal matters.
- HB 3614 by Rep. Niceley specifies that any municipality that derives 20% of its total expenditures, less capital expenditures and debt service, from revenue generated by traffic citations is abusing its police power. Such abuses can be investigated by the TBI to determine whether a municipality is abusing its police power.
- HB 3831 by Rep. Fowlkes increases the salaries of assistant district attorneys general effective June 30, 2006.
- HB 3601 by Rep. Fowlkes exempts practicing physician, psychologist, senior psychological examiner, chiropractor, dentist or attorney from subpoena to trial.
- HB 3234 by Rep. Fowlkes requires attorneys who advertise professional services or seek referrals through advertisements to disclose in the advertisement if the attorney has malpractice insurance and the extent of the coverage.
- HB 3907 by Rep. Sargent requires that at least 10% of the special revenue fund created as a result of fines, forfeitures and confiscations from drug violations be used to establish, fund, and maintain a drug court in the county or judicial district.
- HB 3658 by Rep. Cochran requires all meetings of the Judicial Selection Commission and the Judicial Evaluation Commission to be open to the public.
- HB 3918 by Rep. Hood, as amended, gives municipal courts jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates, or incorporates by cross-reference the language of any state statute designated as Class C misdemeanors.
- HB 3949 by Rep. Briley, as amended, makes a member of the judicial evaluation commission ineligible to seek an appellate judgeship which becomes available as a result of, or related to, the commission's recommendation against retention for an incumbent appellate judge.
- HB 3748 by Rep. Fitzhugh authorizes additional assistant district public defender and assistant district attorney general positions when funded by the State or other sources.



The following house bills failed:

HB 3554 by Rep. McCord authorizes an employer to collect a 5% processing fee for each payment of a judgment debtor's garnished earnings.

HB 3530 by Rep. Harwell revises the selection criteria for the judicial selection commission.

HB 3240 by Rep. Cochran requires all judges of the supreme court, court of appeals, and court of criminal appeals be elected at contested elections.

Judiciary

Off Notice:

HB 3648 by Rep. Hawk
HB 2862 by Rep. Winningham
HB 3094 by Rep. Winningham
HB 3166 by Rep. Winningham
HB 3057 by Rep. Cochran
HB 3239 by Rep. Cochran



State and Local Government Full Committee

This week in the State and Local Government full committee, the committee considered 33 bills. Eight (8) bills were passed to Calendar and Rules and 1 passed to Finance, Ways and Means.

Bills passed to Calendar and Rules:

-HB 2800 by Sargent – Removes the regional planning commission's authority to combine substandard lots.

-HB 2512 by Fowlkes – Specifies that the county mayor and a member of the county legislative body are authorized to request tax information from the department of revenue to ensure proper severance taxes are paid.

-HB 2560 by Fowlkes – Allows additional compensation for a clerk and master that also serves as the clerk of probate court.

-HB 3603 by John DeBerry – This bill allows employers with less than 50 employees to provide a payroll deduction for the employee portion of health insurance premiums.

-HB 2963 by Odom – This bill permits certain taxing jurisdictions to sell the right to receive taxes, assessments or other charges secured by liens on real property to public or private parties.

-HB 238 by Campfield – Prohibits the act of aiming a laser pointer at law enforcement officers, firefighters, and other emergency service personnel.

-HB 3755 by Pruitt – This bill allows the board of directors for the Tennessee Sports Hall of Fame to appoint up to five ex officio voting members instead of nonvoting members. The bill further removes the one year term limit for the president of the board.

-HB 224 by Tindell – Approves the 2006-2007 annual events by 501(c)(3) organizations.

Bills passed to Finance, Ways, and Means:

-HB 3179 by Favors – This bill requires a certificate of public purpose and necessity for certain public works, industrial and business park projects to be obtained by counties having a population of less than 300,000.

The following bills were rolled to later calendars, taken off notice or failed:

- HB 261 by Stanley – 1 wk**
- HB 3743 by Fitzhugh – 1 wk**
- HB 3285 by Fitzhugh – 1wk**
- HB 1263 by Winnigham – Failed for lack of motion**
- HB 3317 by Turner – 1 wk**
- HB 3441 by Lynn – 1 wk**
- HB 2897 by Brooks – Failed**
- HB 4026 by McMillan – 1 wk**
- HB 3504 by McKee – 1 wk**
- HB 2821 by Overbey – 1 wk**
- HB 3056 by McCormick – 1 wk**
- HB 3553 by McCord – 1wk**
- HB 3781 by Rinks – 1wk**
- HB 3783 by Rinks – 1wk**
- HB 3766 by Rinks – 1 wk**
- HJR 886 by Matheny – 1 wk**
- SJR 527 by Tracy – 1 wk**
- HB 2813 by Larry Miller – 1 wk**
- HJR 855 by Moore – 1 wk**
- HB 2818 by Moore – 1 wk**
- HB 2816 by Moore – 1 wk**
- HB 3989 by McMillan – 1 wk**
- HB 2858 by Litz – 1 wk**
- HB 3988 by McMillan – 1 wk**

State Government Subcommittee

This week in the State Government Subcommittee, 3 of 22 bills were passed to full committee and all other bills were rolled for one week except **HB 293 by Mike Turner (addendum)**. It was rolled to the last calendar.

Bills passed to full committee:

-HB 4036 by McMillan – This bill specifies that no cost proposals may be opened until the evaluation of the non-cost sections of the proposal have been completed, unless the commissioner or finance and administration, the comptroller, and, if applicable, the commissioner of the procuring agency approve that the cost proposals in the particular procurement may be opened prior to evaluation of the non-cost sections.

-HB 3640 by Litz – This bill clarifies that the P.O.W.-M.I.A. flag may be flown over the capitol at times other



Rep.
Odom



Rep. McMillan

State & Local Government

than Tennessee P.O.W.-M.I.A recognition week.

-HB 3379 by Langster – Authorizes departments and agencies to elect to participate in a smoking cessation program for employees, including payment of one round of medication. This bill also requires the commissioner of health to provide uniform guidelines for such program.

Local Government Subcommittee

This week in the Local Government Subcommittee, the committee considered 32 bills and passed 4 bills to full committee.

Bills passed to full committee:

-HB 3488 by Hackworth – This bill enacts the “Uniform Constable Accountability Act of 2006.”

-HB 2405 by Sargent – This bill is subject to local approval and imposes a tax on new residential and non-residential property development in Williamson County to pay for the cost of new and expanded school facilities.

-HB 3911 by Hargett – Clarifies that the right of redemption of property terminates one year following the date of the tax sale instead of one year after entry of an order of confirmation of the tax sale by the court.

-HB 3043 by Fowlkes – This bill changes various provisions of the “Adult-Oriented Establishment Registration Act of 1998.”

All other bills were rolled to next week’s calendar except for **HB 3508 by Rep. Tindell**; this bill was rolled for 2 weeks.

Elections Subcommittee

This week in the Elections Subcommittee, the committee convened twice to consider 19 bills. Seven bills were passed to full committee. Three were placed in a study committee, 2 failed and the others were rolled to later calendars.

Bills passed to full committee:

-HB 3416 by McMillan – This bill allows the coordinator of elections to promulgate rules to determine a minimum number of paper ballots to be furnished to each precinct on election day. This bill also increases the ratio of number of voters to voting machines from not more than 750 to no more than 1,000 voters per machine.

HB 2901 by Henri Brooks – This bill requires the county election commission to notify affected voters when local, state or federal district boundaries are

altered and to mail new voter registration cards to affected voters at least 30 days before the next election following the alteration.

-HB 2937 by Stanley – Requires the coordinator of elections to obtain information on residents who are voting age from the social security administration death master file annually and submit such information to the county election commission.

-HB 3207 by Odom – Limits contributions from political campaign committees controlled by a political party on the national, state, or local level to \$7,500 per election to candidates for governor or senate and \$5,000 per election to all other state or local candidates.

-HB 2802 by DeBerry J – Requires county election commission to purge voter registration records of deceased voters at least every 30 calendar days and, during early voting, daily through the day of election as information is supplied from the coordinator of elections. This bill also requires the office of vital records to report deaths to coordinator of elections on a monthly or frequent basis.

-HB 2820 by Overbey – This bill permits judges and members of the judge’s immediate family to register to vote using a post office box instead of their primary residence under certain conditions.

-HB 3281 by Sherry Jones – This bill increases penalties for certain election related offenses.

Bills sent to study committee:

-HB 2899 by Brooks – Requires an election following a special primary election for which a complaint is timely filed to be delayed to permit the state primary board time to hear and determine the contest and make the disposition of the contest.

-HB 312 by Lynn – Requires any voting system purchased on or after July 1, 2005, to produce a paper version of any ballot cast. The bill also requires such paper version to be retained by county the county election commission for recounts.

-HB 3211 by Moore – Requires any voting system purchased to provide the ballot of record to be a paper ballot marked by the voter. The bill also requires such ballot to be available to voter to verify the vote.

Off notice and Last Calendar:

HB 2938 by Stanley was taken off notice and **HB 3444 by Lynn** was rolled to the last calendar.

All other bills were rolled for 1 week except for **HB 2900 by Brooks** and **HB 2555 by Eldridge**; they both failed in committee.

Full Committee

The **House Transportation Committee** met April 4, 2006, to consider eleven bills. **HB3400** (McMillan), which authorizes issuance of Tennessee Wildflowers new specialty earmarked license plates, was referred to the Special License Plate Committee. **HB2202** (Litz) and **HB2608** (Pinion) were deferred for one week. **HB3799** (U. Jones) was passed by the committee and referred to the House Calendar and Rules Committee. As amended, the bill authorizes municipal governments in Shelby County which own, operate or maintain ambulances as part of the services provided by the municipality to select the color of its ambulances, provided that the color scheme is the same as used by the municipality's fire department. **HB2623** (McMillan) was passed by the committee and referred to the House Finance, Ways, and Means Committee. As amended, the bill urges TDOT to study hybrid vehicles using HOV lanes as an exemption to the federal requirements of the federal transportation legislation SAFETEA-LU.

The following highway sign bills were passed by the committee and referred to the House Finance, Ways, and Means Committee:

HB2620 (McMillan) - "Lawrence N. Koontz Parkway," segment of State Route 374 (101st North Parkway) in Montgomery County

HB3756 (Pruitt) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Nathan J. Bailey, Tennessee National Guard.

HB3638 (Litz) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant Paul W. Thomason III, Tennessee National Guard.

HB3874 (Shaw) - Expresses intent to name appropriate bridge with highway signs on State Route 840 in honor of late Staff Sergeant David L. Loyd, Tennessee National Guard.

HB3691 (Hackworth) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant First Class Stephen C. Kennedy, Tennessee National Guard.

HB3900 (Harmon) - Provides for erection and maintenance of directional signs for Historic Richard Hardy Memorial School on I-24 at Exit 152 (U.S. 72/Historic South Pittsburg).

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** convened April 4, 2006, to consider nine bills. Action

on **HB242** (DuBois) and **HB3863** (Crider) was deferred for one week. **HB3073** (Rowland) was deferred for two weeks. **HB3851** (Gresham) was deferred to 2007.

The following bills were passed to the full Transportation Committee:

HB3711 (Armstrong) - Authorizes on motor vehicles taillights with white backup lights that pulse in panic stop conditions.

HB3408 (McMillan) - As amended, authorizes a person to apply for certificate of title to a vehicle without proper documentation if the vehicle has a fair market value of \$3,000 or less. In such cases, the owner would submit a certificate of ownership accompanied by supporting documentation outlined in the bill.

HB3338 (McCord) - As amended, encourages the department of Tourist Development to conduct feasibility study of design, manufacture, and sale of commemorative license plates for the front of motor vehicles to generate revenue for promotion of tourism.

HB3760 (Windle) - As amended, allows active duty, reserve and honorably discharged veterans to apply for the Military specialty license plate.

HB3048 (Hood) - Authorizes funeral processions to be led by a police escort using amber and blue lights.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met April 4, 2006 to consider fifteen bills. **HJR787** (Tidwell) was taken off notice. Action on **HB3642** (West), **HB2115** (R. Johnson), **HB2769** (L. Turner), **HJR941** (Mumpower) and **HJR968** (Gresham) was deferred for one week. **HB311** (Lynn) was deferred until the last calendar.

The following bills were passed to the full Transportation Committee:

HB3804 (Harmon) - Clarifies legislative intent that all county seats be connected by a four-lane highway to the nearest interstate highway by the shortest route over an existing highway by July 1, 2015.

HJR947 (Fowlkes) - Urges the TDOT to study the design and development of expanding existing HOV lanes to high occupancy toll or

Transportation

HOT lanes and report to the house and senate transportation committees. It also urges TDOT to consult with the Federal Highway Administration about federal approval for such expansion. The resolution furthermore urges TDOT to address the use of HOT lanes where appropriate in its long-range transportation plan.

HB3257 (U. Jones) - Authorizes issuance of Tennessee Emergency Medical Services Education Association (TEMSA) new specialty earmarked license plates to certain health care and emergency medical services (EMS) providers; allocates 50 percent of funds derived from sale and renewal of such plates to TEMSA to fund education and scholarship programs and purchase EMS equipment and supplies.

The following highway sign bills were passed to the full Transportation Committee:

HB3887 (Bone) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Asbury F. Hawn II, Tennessee National Guard

HB3654 (Hawk) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Mark O. Edwards, Tennessee National Guard.

HB2527 (Fowlkes) - “William James (Bill) Horne Memorial Bridge,” U.S. 64 Bypass over Richland Creek in Giles County

HB3751 (Montgomery) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Staff Sergeant Victoir Patric Lieurance, Tennessee National Guard.

HB3757 (Buck) - Expresses intent to name appropriate bridge on State Route 840 in honor of late Sergeant Shannon D. Taylor, Tennessee National Guard.

Rep. Buck





Budget Hearings

Military Department

Lucy Wilson

The Military Department presented its proposed fiscal year 2006-2007 budget to the House Finance, Ways & Means Committee March 8, 2006. The department, represented by Major General Gus L. Hargett, provides leadership, direction and organization for the state's Army and Air National Guard, and the Tennessee Emergency Management Agency. The department is organized into three functional areas; Administration, National Guard, and Emergency Management.

The department's budget request for fiscal year 2006-2007 is \$112,003,900. Of that total, \$1,651,600 are in improvements in the Air National Guard and do not include payroll dollars.

Administration		2006-2007 Budget
	Administration	\$3,204,600
	Armories Utilities	3,366,900
National Guard		
	TN Army National Guard	7,545,100
	TN Air National Guard	14,013,000
	Armories Maintenance	3,869,000
Emergency Management		
	TN Emergency Management Agency	11,222,600
	Homeland Security Grants	63,782,700
	TEMA Disaster Relief Grants	5,000,000
	Department Total	\$112,003,900
	Funding Sources	
	State	11,008,800
	Federal	98,635,700
	Other	2,359,400
		\$112,003,900

Budget Hearings

Executive Department

Office of Homeland Security

Lucy Wilson

The Office of Homeland Security presented its proposed fiscal year 2006-2007 budget to the House Finance, Ways & Means Committee March 8 2006. The department was represented by Dave Mitchell, Director, Rick **Shipkowski**, Deputy Director and Barbara Allen, Administrative Services Officer.

The budget reflects an improvement request of \$1,123,800 to staff and equip an intelligence and information fusion center. This funds eight (8) positions to get criminal and terrorist information to local law enforcement.

The department's budget request for fiscal year 2006-2007 is \$95,417,000.

Office of Homeland Security	
	2006-2007 Budget
Department Total	\$6,044,500
Funding Sources	
State	2,007,900
Federal	0
Other	4,036,600

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